THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 22896 of 2007

Date:30-10-2007

Between:

Syed Shah Hamed Hussaini Saberi

…Petitioner

AND

The Joint Collector, Hyderabad and another

..

Respondents

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ORDER:

The petitioner seeks a writ of mandamus to declare the action of the first respondent in not issuing an NOC in respect of the entire extent of petitioner's land admeasuring 893 square yards forming part of Sy.No.330 (Old Sy.NO.129/49) situated at Road No.12, Banjara Hills, Hyderabad by modifying the NOC issued in his proceedings No.11/9899/2005, dated 22.09.2006 and the action of the 2nd respondent in not considering the petitioner's application for sanction of building permission for the entire extent of 893 square yards by insisting on the 1st respondent's NOC for the total extent of 893 square yards, as illegal and arbitrary and consequently direct the 2nd respondent to grant permission to the petitioner in respect of the plot of 893 square yards by considering the NOC issued by the 1st respondent on 22.09.2006.

Heard the learned counsel for the petitioner, learned Government Pleader for the first respondent and the learned Standing Counsel for the second respondent.

It is the case of the petitioner that he has purchased an extent of 893 square yards in Sy.No.330 (Old Sy.No.129/49) situated at Road No.12, Banjara Hills, Hyderabad from his vendor. When the petitioner filed an application for grant of NOC in respect of
893 square yards, the first respondent/Joint Collector vide his proceedings No.11/9899/2005 granted NOC for 650 square yards alone which falls in T.S.No.8 for the purpose of considering sanction of

building plan by the Municipal Corporation of Hyderabad and insofar as an extent of 76 square yards which falls in T.S.No.9, it is stated that it falls in surplus land and covered by litigation. It is stated that the Joint Collector considered the claim of the petitioner with regard to 726 square yards alone and nothing has been stated about the remaining land of 167 square yards. It is stated that the petitioner, therefore filed another representation, dated 04.10.2007 before the Joint Collector enclosing the relevant documents and requested to rectify the earlier issued NOC.

Admittedly, the said application, dated 04.10.2007 filed by the petitioner is pending before the first respondent.

Having regard to the facts of the case, the writ petition is disposed of directing the first respondent to consider and dispose of the said application, dated 04.10.2007 filed by the petitioner as expeditiously as possible without any undue delay, preferably, within four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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V.ESWARAIAH, J.

Date:30.10.2007
ccm